

THOMAS P. O'BRIEN
 United States Attorney
 CHRISTINE C. EWELL
 Assistant United States Attorney
 Chief, Criminal Division
 RANEE A. KATZENSTEIN (CSB No. 187111)
 Assistant United States Attorney
 Deputy Chief, Major Frauds Section
 Major Frauds Section
 1100 United States Courthouse
 312 North Spring Street
 Los Angeles, California 90012
 Telephone: (213) 894-2432
 E-mail: Ranee.Katzenstein@usdoj.gov

LORI A. HENDRICKSON
 Trial Attorney (Ohio BN: 0067831)
 ELLEN M. QUATTRUCCI
 Trial Attorney (D.C. BN: 462103)
 DANNY N. ROETZEL
 Trial Attorney (Missouri BN: 34879)
 Tax Division, Western
 Criminal Enforcement Section
 P.O. Box 972
 Washington, D.C. 20044
 Telephone: (202) 514-5762
 Facsimile: (202) 514-9623
 E-mails: Lori.A.Hendrickson@usdoj.gov
Ellen.M.Quattrucci@usdoj.gov
Danny.N.Roetzel@usdoj.gov

Attorneys for Plaintiff
 UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION

UNITED STATES OF AMERICA,)	NO. CR 05-316-DSF
)	
Plaintiff,)	<u>ORDER REGARDING DISCLOSURE OF</u>
)	<u>ADDITIONAL INFORMATION USED TO</u>
v.)	<u>CALCULATE ACTUAL LOSS FOR PURPOSES</u>
)	<u>OF ORDERING RESTITUTION</u>
JOHN S. LIPTON, ET AL.)	
)	
Defendants.)	
)	

1 The Court, having considered the sentencing memoranda
2 submitted by the parties, the defendant's request for additional
3 discovery concerning the Internal Revenue Service's calculation
4 of the tax loss caused by Richard B. Leonard and his co-
5 conspirators, the arguments of counsel at the restitution hearing
6 held on July 27, 2009, and for good cause shown,

7 IT IS HEREBY ORDERED that, pursuant to 26 U.S.C. §
8 6103(h)(4)(D), the United States shall immediately disclose to
9 Defendant Leonard and his counsel the summary listing of the
10 Genesis Fund income received by each co-defendant, similar to the
11 document attached as Exhibit B to Defendant Leonard's
12 "Supplemental Sentencing Position Memorandum of Defendant Richard
13 Leonard Regarding Restitution" (Docket No. 771), in order to
14 satisfy any obligations the government may have pursuant to 18
15 U.S.C. § 3500, Rule 16 of the Federal Rules of Criminal
16 Procedure, and Brady v. Maryland and its progeny.

17 IT IS FURTHER ORDERED that Defendant Leonard and his counsel
18 shall not disclose these documents to any other person or
19 persons, except as necessary in preparation of the defense in
20 this case, without prior authorization from this Court.

21 IT IS FURTHER ORDERED that nothing herein requires the
22 government to provide discovery beyond that which is required by
23 Rule 16 of the Federal Rules of Criminal Procedure, 18 U.S.C.
24 § 3500, and the Court's Criminal Motion and Trial Order.

25 **IT IS SO ORDERED.**

26 DATED: 8/4/09



DALE S. FISCHER
United States District Judge